February 2, 2019

The Honorable Andrew Cuomo, Governor of New York
The Honorable Andrea Stewart-Cousins, Senate Majority Leader
The Honorable Carl Heastie, Speaker of the Assembly

Dear Governor Cuomo, Speaker Heastie, and Senator Stewart-Cousins:

As we continue with the 2019 legislative session, we as faith leaders in New York wanted to take this opportunity to encourage passage of good bills which will aide in decarcerating many of our residents who needlessly languish in our state’s jails.

In the Governor’s speech “A Moment of National Crisis: What Would FDR Do Today” we were encouraged by his observation that, in our criminal justice system, there is a different kind of justice for people with money than those who don’t have money. In light of this inequity, the Governor in his state of the state address proposed the elimination of cash bail while giving more deference to judges to determine whether a person, on their merits, would remain incarcerated pre-trial or be released. We are also heartened that, under the banner of eliminating cash bail, he is also advocating for speedy trials so that we minimize pretrial detention. We also appreciate his call for discovery reform where defendants will fully have the right to see the evidence the prosecution has against them well in advance of a trial so that an adequate defense can be mounted. These are ideas we firmly embrace and they must be held together as we work towards the goal of de-carceration. We welcome that the Governor, given his commitment, has made a good opening proposal and look forward to how they will actually end up translating into law. We are also pleased the Senate and the Assembly have proposed strong bills.

As these laws are shaped, we urge you to hold one goal in mind: keep people out of jail, who have no business being there, until they are convicted of an actual crime. It is well for all of us to remember that people held pre-trial can, within a short period of time, experience a more severe punishment that far exceeds the severity of the charges against them. People in jail, because they can’t afford bail, risk losing their car, their home, their job, and their schooling. Losing custody of children and breaking up of marriages is also a by-product of this sort of needless incarceration. The compounding effect of this sort of incarceration is that the safety nets of our citizens become severely frayed and we keep people in needless poverty. As they get caught up in the criminal justice merry go round, they become more vulnerable to risky behaviors which may get them in even more trouble and increase the likelihood of more time in prison.
As the three of you prepare and reconcile your specific recommendations on elimination of cash bail and speedy trial and discovery reform, and shepherd these bills through the legislature, we caution you to pay very close attention to the specifics of these laws. Legislation, if crafted poorly, could make the problems they are trying to solve even worse. We must be careful not to use the word “cash bail”, “discovery reform” or “speedy trial” in such ways which mislead New Yorkers into thinking these proposals are more progressive than they are in actuality. In California, for instance, they passed a cashless bail system which sounded progressive. But the system was replaced with another system which make use of e-incarceration algorithms which supposedly measure risk but are wildly discriminatory tools which are biased against people of color. The use of e-monitoring, where people must pay for expensive equipment monitoring equipment, becomes, in its own way, another vehicle to impose financial hardship on people who already can’t afford it. You have all received two thoughtful letters from #FREEnewyork campaign by JustLeadership USA with very specific requests to craft legislation that do not repeat mistakes made in other locales and inflict them on New Yorkers. Katal Center for Health, Equity and Justice has also published a set of principles in its publication “It’s Time for Real Bail Reform”, that must guide the shape of any legislation. Many of us have signed on to the #FREEnewyork letter and also ascribed to the Katal principles. We ask that you study these documents very carefully and incorporate their proposals as best you can into your own proposals. The #FREEnewyork and Katal proposals are attached. We are pleased that Katal and #FREEnewyork have announced a joint cooperative relationship which we believe should be a foretaste of the cooperative work that needs to happen between the Executive and Legislative branches.

As we make our way through this legislative session, we urge public hearings where legislators and the public can openly discuss and debate the different bills. You should make a particular effort to hear testimony from those who are struggling with the current system. It will also be important to openly and humbly delineate for the public the strengths and limitations of each proposal. It’s possible that the three of you, representing different branches of government, may come up with different versions of legislation for cash bail, discovery, and speedy trial. As these different bills are debated and reconciled, we ask that the needs of those who are most vulnerable in this system are kept in the forefront of your minds and that you not resort to political brinksmanship and recriminations resulting in no good legislation getting passed. This familiar political behavior in Albany, if allowed to happen when it comes to these issues, would be a particular tragedy and will effectively sentence too many New Yorkers to abject poverty.

We thank you for your efforts. We will hold you in prayer and we promise you both our support and our faithful critique through out the political process as we work together to come up with laws which are becoming of the progressive ideals of our state and lifts up and empowers the most vulnerable among us.
In faith,

Individuals

Ms. Beverley Alves, New York State United Teachers, St. Johnsville
The Reverend Earl Arnold, Owego
The Reverend Regina Baird Haag, Executive Director, Elsie K. Powell House, Inc., Old Chatham
Dr. Jeffrey Barr, Fredonia, New York
The Reverend Dr. Chloe Breyer, Executive Director, Interfaith Center of New York
The Reverend Mark Chaffin, Albany, New York
The Reverend Wendy Cook, Berne, New York
Ms. Martha Cornell, Delmar
Ms. Claire DeRoche, The Unitarian-Universalist Church of Shelter Rock
Ms. Barbara DiTommaso, Retired Director of Commission on Peace and Justice, Catholic Diocese of Albany, Rensselaer
The Reverend Kathy Donley, Pastor, Emmanuel Baptist Church, Albany
The Reverend Kate Dunn, Associate Pastor, Fifth Avenue Presbyterian Church
The Reverend Beth Dubois, Pastor, South Valley Presbyterian Church, Syracuse
Mr. Jan Dykman,
Ms. Judy Fitzgerald, Buffalo
The Reverend David Gaewski, Conference Minister, New York Conference, United Church of Christ
The Reverend Paul Glover, Pastor, Flatlands Reformed Church, Brooklyn
Sister Doreen Glynn, Province Justice Coordinator, Sisters of St. Joseph
The Reverend Lauren Heidenreich, Pastor, St. Paul’s United Church of Christ, Attica
The Reverend Dr. Earl Johnson, Retired Clergy, Presbyterian Church USA, Johnstown
The Reverend Alonzo Jordan, NAACP
The Reverend William Koenig, Advocate for Justice Ministries, Presbytery of New York
Mrs. Tinna Kopelow, Lynnbrook, New York
The Reverend Posey Krakowski, Associate Pastor, Church of the Ascension
The Reverend Cheri Kroon, Minister, Plainview Reformed Church
The Reverend Heather Ramsey Mabrouk, Hamburg, New York Conference, United Church of Christ
The Reverend John Macholz, Bishop, Upstate New York Synod, Evangelical Lutheran Church of America
The Reverend Elizabeth Maxwell, Rector, Church of the Ascension,
The Reverend Don McCoid, Interim Bishop, Metropolitan New York Synod, Evangelical Lutheran Church of America
Ms. E. Magalene McClarrin, Roosevelt, New York
Ms. Jacqueline Menagh, Town of Greenville, New York
The Reverend Andrew McPherson, Retired Elder, Presbyterian Church USA
The Reverend Dr. Cris Mogenson, President, New York Protestant Chaplains Association, Windsor
The Reverend Frank Nichols, Retired Chaplain, Albion Correctional Facility, Spencerport
The Reverend Rebecca Putman, Northville United Presbyterian Church, Northville
The Reverend Dan Raam, Pastor, Reformed Church of America, Brooklyn
Dr. Dawn Ravella, Director of Mission, The Reformed Church of Bronxville, Bronxville
Mr. Shepard Skiff, Brooklyn, New York
The Reverend Blenda Smith, Upper New York Conference United Methodist Church, Binghamton
Ms. Patricia Spencer, Port Washington
The Reverend Douglas Stewart, Pastor, Lutheran Church of the Incarnate Word, Rochester
Ms. Ann Stribling, New York
The Reverend Peter Sulyok, Bridgehampton, New York
Rabbi Simcha H. Weintraub, Brooklyn
The Reverend John Williams, Rector, St. Andrew and St. Luke Episcopal Church, Beacon
The Reverend Dr. William Huston Wilkinson, Executive Director, Welcoming Way Institute, Medina
The Reverend Dr. Michael Strong, Chief Administrator, Strong Families Deliverance Ministries Inc.
The Reverend Janet Wright, Aquebogue
The Reverend Dustin Wright, Pastor, Messiah Lutheran Church, Rotterdam and President, New York State Council of Churches

Organizations

Mr. Jeffrey Aaron, Presiding Clerk, New York Yearly Meeting Religious Society of Friends (Quakers)
Ms. Maria Ceraulo, Social Justice Committee, Unitarian Universalist Church, Greenvale, New York
The Reverend Peter Cook, Executive Director, New York State Council of Churches
The Reverend Lenny Duncan, Jehu’s Table (Evangelical Lutheran Church of America), Brooklyn
Rabbi Michael Feinberg, Executive Director, Greater New York Labor-Religion Coalition
Mr. Cedric Fulton and staff, Katal Center for Health, Equity and Justice
Mr. John Gibson, Church of the Ascension (Episcopal), New York
The Reverend Richard Gilbert, President, Interfaith Impact of New York State, Rochester
Marc Greenberg, Executive Director, Interfaith Assembly on Homelessness and Housing
The Reverend Renee Hollinshed, Executive Director, FOCUS Churches
The Reverend Martha Koenig Stone, Commission on Ecumenical and Interfaith Relations
New York Conference United Church of Christ
Robb Smith, Executive Director, Interfaith Impact of New York State, Albany
The Reverend Lewis Stewart, President, United Christian Leadership Ministry of Western New York, Inc.
Mr. Lewis Webb, Director, Healing Justice, American Friends Service Committee, New York
Sister Susan Wilcox, Justice and Peace Coordinator, Sisters of St. Joseph, Brooklyn